

REMARKS

Favorable reconsideration of the application is respectfully requested in light of the amendments and remarks herein.

Upon entry of this amendment, claims 1-13, 39-44, and 49-51 will be pending. By this amendment, claims 1, 2, 12, and 13 have been amended. No new matter has been added.

§102 Rejection of Claims 1-6, 9, 12, 13, 39-42, and 49-51

In Section 2 of the Office Action, claims 1-6, 9, 12, 13, 39-42, and 49-51 stand rejected under 35 U.S.C. 102(b) as being anticipated by Katayama *et al.* (U.S. Patent No. 5,668,646; hereinafter referred to as “Katayama”). Claims 1, 2, 12 and 13 have been amended to clarify the terms in the claims and to round out the scope of protection to which Applicant is entitled.

In the Background section of the Specification, it was disclosed that “[w]hen a color picture is digitized, it is necessary to distinguish white and black of each pixel of the photographed color picture corresponding to a threshold value. ... If a threshold value is much higher than an optimum threshold value, as shown in Fig. 1C, the entire digitized picture becomes dark. In contrast, when a threshold value, as shown in Fig. 1D, the entire digitized picture becomes bright, thereby characters become illegible.” *Background of the Specification*, page 2, line 18 to page 3, line 1.

To solve this problem, embodiments of the present invention provide a capability to designate two different modes for a digital picture processing apparatus, such as a digital camera, where 256/512 grayscales are used for natural color images and two grayscales are used for text images.

For example, the structure of apparatus claim 1, as presented herein, includes:

“receiving means for receiving a captured picture signal;

picture processing means for processing the received picture signal;

mode designating means for generating a signal that designates the processing of the received picture signal into a first mode or a second mode;

determining means for determining whether the received picture signal is a natural image or a text image,

wherein the first mode is designated when the received picture signal is determined to be the natural image, and the second mode is designated when the received picture signal is determined to be the text image; and

digitizing means for digitizing the received picture signal,

wherein when the first mode is designated, said digitizing means is configured to use 256 gray scales or 512 gray scales,

wherein when the second mode is designated, said digitizing means is configured to use two grayscales, and

wherein enabling dynamic configuration of said digitizing means according to the result of said determining means allows substantially improved performance for said digital picture signal processing apparatus.”

(emphasis added)

Therefore, in summary, the apparatus of claim 1 includes digitizing means for digitizing the received picture signal, *wherein* when the first mode is designated, the digitizing means is configured to use 256 gray scales or 512 gray scales, *wherein* when the second mode is designated, the digitizing means is configured to use two grayscales, and *wherein* enabling dynamic configuration of the digitizing means according to the result of the determining means allows substantially improved performance for the digital picture signal processing apparatus.

By contrast, although Katayama discloses an image processing apparatus, Katayama fails to teach or suggest having digitizing means for digitizing the received picture signal, *wherein* when the first mode is designated, the digitizing means is configured to use 256 gray scales or

512 gray scales, *wherein* when the second mode is designated, the digitizing means is configured to use two grayscales, and *wherein* enabling dynamic configuration of the digitizing means according to the result of the determining means allows substantially improved performance for the digital picture signal processing apparatus.

In particular, although Section 2 of the Office Action indicates that Katayama teaches digitizing means (in column 12, lines 7-35 of Katayama), Katayama merely teaches edge detection method in column 12, lines 7-35.

Based on the foregoing discussion, claim 1 should be allowable over Katayama. Furthermore, since independent claims 2, 12, and 13 closely parallel, and include substantially similar limitations as, independent claim 1, claims 2, 12, and 13 should also be allowable over Katayama. Since claims 3-6, 9, 39-42, and 49-51 depend from one of claims 1 and 2, claims 3-6, 9, 39-42, and 49-51 should also be allowable over Katayama.

Accordingly, it is submitted that the rejection of claims 1-6, 9, 12, 13, 39-42, and 49-51 based upon 35 U.S.C. §102(b) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

§103 Rejection of Claims 10 and 11

In Section 3 of the Office Action, claims 10 and 11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Katayama in view of Bouton *et al.* (*Inside Adobe Photoshop for Windows*, 1994; hereinafter referred to as “Bouton”).

Based on the foregoing discussion regarding claim 1, and since claims 10 and 11 depend from claim 1, claims 10 and 11 should be allowable over Katayama. Further, Bouton was

merely cited for teaching enlarging means. Therefore, Katayama and Bouton, in combination or individually, fail to teach or suggest all the limitations of claims 10 and 11.

Accordingly, it is submitted that the rejection of claims 10 and 11 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

§103 Rejection of Claims 7, 8, 43, and 44

In Section 4 of the Office Action, claims 7, 8, 43, and 44 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Katayama in view of Martin (U.S. Patent No. 6,272,484).

Based on the foregoing discussion regarding claims 1 and 2, and since claims 7-8 and 43-44 depend from claims 1 and 2, respectively, claims 7, 8, 43, and 44 should be allowable over Katayama. Further, Martin was merely cited for disclosing the second compressed picture data being converted into a GIF file. Therefore, Katayama and Martin, in combination or individually, fail to teach or suggest all the limitations of claims 7, 8, 43, and 44.

Accordingly, it is submitted that the rejection of claims 7, 8, 43, and 44 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

Conclusion

In view of the foregoing, entry of this amendment, and the allowance of this application with claims 1-13, 39-44, and 49-51 are respectfully solicited.

In regard to the claims amended herein and throughout the prosecution of this application, it is submitted that these claims, as originally presented, are patentably distinct over

the prior art of record, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes that have been made to these claims were not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes were made simply for clarification and to round out the scope of protection to which Applicant is entitled.

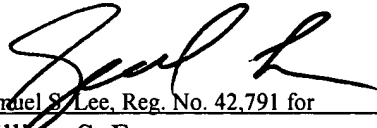
In the event that additional cooperation in this case may be helpful to complete its prosecution, the Examiner is cordially invited to contact Applicant's representative at the telephone number written below.

The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP

By:



Samuel S. Lee, Reg. No. 42,791 for
William S. Frommer
Reg. No. 25,506
(212) 588-0800